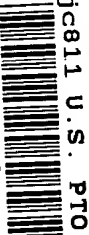


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9-27-00jc525 U.S. PTO  
09/558472

04/25/00

## CERTIFICATE OF EXPRESS MAIL

NUMBER EL548523892US

DATE OF DEPOSIT April 25, 2000

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: MYOG:004DIV1

Prior Application Examiner:  
J. SouayaBOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Classification Designation:

Prior Group Art Unit: 1655

REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/016,075 filed January 30, 1998, entitled "DIAGNOSIS AND TREATMENT OF MYOCARDIAL FAILURE," by inventors Michael R. BRISTOW, Leslie A. LEINWAND, Wayne MINOBE, and Koichi NAKAO.

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/016,075 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such

willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/016,075.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number , filed in is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No.

☐ 2. The Assistant Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☒ 3. Enclosed is a check in the amount of \$345.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$345.00
Total Claims	7 - 20 =	0 X	\$9.00 =	\$0.00
Independent Claims	1 - 3 =	0 X	\$39.00 =	\$0.00
Multiple Dependent Claim(s) -----				\$-0-.00
<b>TOTAL FILING FEES:</b>				<b>\$345.00</b>

- ☒ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. If the check is missing or insufficient, the Assistant Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski Account No.: 50-1212/10014732/01973.
- ☐ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:

Steven L. Highlander  
FULBRIGHT & JAWORSKI, L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 418-3184

☒ 8. The prior application is presently assigned to UNIVERSITY TECHNOLOGY CORPORATION.

☐ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.

*A* ☒ 10. Cancel in this application claims 1-16 and 24-26 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).

*Sub B1*  
*A1* ☒ 11. Amend the specification by inserting before the first line the sentence: --This is a divisional of co-pending application Serial No. 09/016,075 filed January 30, 1998, which claims priority to U.S. Provisional applications Serial Nos. 60/038,911, filed February 26, 1997, and 60/036,987, filed January 30, 1997. --

☐ 12. Enclosed are formal drawings.

☐ 13. An Information Disclosure Statement (IDS) is enclosed.

☐ (a) PTO-1449.

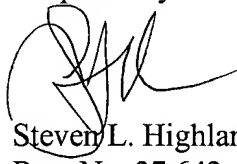
☐ (b) Copies of IDS citations.

☒ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No. 09/016,075 filed January 30, 1998, for use in this application. Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No. 09/016,075 filed January 30, 1998. Under 37 C.F.R. § 1.821(f), Applicant also states that the

information recorded in computer readable form is identical to the written sequence listing.

- ☒ 15. Other: copy of Request for Extension of Time filed in parent application concurrently herewith.
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicant

FULBRIGHT & JAWORSKI, L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 418-3184

Date:

4/25/00

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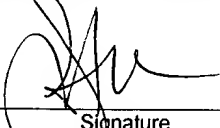
JC525 U.S. PTO  
09/558472



CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date below:

4/25/00  
Date

  
Signature

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael R. BRISTOW et al.

Serial No.: 09/016,075

Filed: January 30, 1998

For: DIAGNOSIS AND TREATMENT OF  
MYOCARDIAL FAILURE

Group Art Unit: 1655

Examiner: J. Souaya

Atty. Dkt. No.: 3595-6/MYOG:004/HYL

**REQUEST FOR EXTENSION OF TIME TO RESPOND TO  
OFFICE ACTION DATED OCTOBER 26, 1999**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions for an extension of time of three months, to and including April 26, 2000 in which to respond to the Office Action dated October 26, 1999.

Pursuant to 37 C.F.R. § 1.17, a check in the amount of \$435.00 is enclosed, which is the process fee (\$435.00) for a three-month extension of time.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an

overpayment be included herein, the Assistant Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Account No.: 50-1212/10014732/01973.

Respectfully submitted,

**COPY**

Steven L. Highlander

Reg. No. 37,642

Attorney for Applicant

FULBRIGHT & JAWORSKI, L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 418-3184

Date: April 25, 2000